AMENDMENTS TO THE CLAIMS

Please amend Claims 1, 13, and 21 as indicated below.

1.   (Currently Amended) A method of communicating a message via a computer network, the method comprising:

providing internet access services to a plurality of subscribers with a target server by receiving with a plurality of modems connected to the target server a plurality of in-bound requests from the subscribers for access to the Internet, wherein the target server is located within a same local-toll area of a public switched telephone network as a target transceiver, and wherein the target transceiver is different than the subscribers sending in-bound requests to the target server;

receiving at the target server a message originated by a sender transceiver and communicated to the target server by a sending server wherein the sending server receives the message from the sender transceiver with an inbound communication, and wherein the sending server communicates the message to the target server via the Internet, a message from a sending server wherein the message is directed to the target transceiver by the target server, and wherein the messages are to be sent as outbound facsimile transmissions from the target server to the target transceiver, and wherein the modems that receive the in-bound requests for access to the Internet from the subscribers are further configured to transmit the message as a facsimile transmission from the target server to the target transceiver via the public switched telephone network;

determining with a processor whether one or more modem ports at the target server is inactive such that at least one of the modem ports is not receiving in-bound requests for Internet access from one or more of the subscribers;

if none of the modem ports are inactive, applying a variable wait time at the target server, wherein a duration of the variable wait time is applied based at

least in part on historical data, based at least in part on the number of modems, and based at least in part on the number of subscribers;

after the variable wait time, determining with ~~a processor~~ the target server whether one or more of the modem ports is inactive;

sending the message as an outgoing facsimile transmission via an available modem and the public switched telephone network from the target server to the target transceiver if at least one of the modem ports is inactive;

and sending a confirmation via the internet from the target server to the sending server confirming the sending of the message as a facsimile transmission to the target transceiver.

2. (Previously Presented) The method of Claim 1, further comprising storing the message at the target server.

3. (Previously Presented) The method of Claim 1, further comprising reserving an available modem for transmitting the message to the target transceiver.

4. (Canceled)

5. (Previously Presented) The method of Claim 1, wherein determining whether one or more of the modem ports is inactive is performed periodically at predetermined times, or at start-up of the target server, or after one of the modems is removed or another of the modems is added.

6. (Previously Presented) The method of Claim 1, further comprising saving an active state of one or more of the modems in a memory.

7. (Previously Presented) The method of Claim 1, further comprising queuing the message for sending at a later time if there is no modem available for immediate sending.

8. (Previously Presented) The method of Claim 1, wherein the variable wait time is based upon at least one characteristic of the load upon the modems.

9.   (Previously Presented) The method of Claim 1, further comprising sending a transmittal report to a transceiver having originated the message.

10.   (Canceled)

11.   (Previously Presented) The method of Claim 1, further comprising receiving the message, wherein receiving the message includes handling the message according to the T.37 standard.

12.   (Canceled)

13.   (Currently Amended) A system for communicating a message via a computer network, the system comprising:

a target server that provides Internet access services to a plurality of subscribers, wherein the target server has is in communication with a plurality of modems associated therewith that receive in-bound requests from the subscribers for internet access services and wherein the target server and a target transceiver are located within a same local-toll area of a public switched telephone network connected to the target server and the target transceiver;

wherein the target server is configured to receive a message originated by a sender transceiver and communicated to the target server from a sending server wherein the sending server receives the message from the sender transceiver with an inbound communication, and wherein the sending server communicates the message to the target server via the Internet wherein the target server is further configured send the message as an outgoing facsimile transmission to the target transceiver via the public switched telephone network;

wherein the target server determines whether one or more of the modems at in communication with the target server is inactive, such that one or more of the modems are is not in communication with one or more of the subscribers; wherein the target server is configured to apply a variable wait time when the one or more of the modems are is not inactive, wherein a determined duration of

the variable wait time is variably applied based at least in part on historical data and based at least in part on the utilization of the modems;

wherein the target server is configured to determine whether at least one of the modems is inactive after the variable wait time; and

wherein the target server is configured to send the message as an outgoing facsimile transmission to the target transceiver via the modem and the public switched telephone network.

14.   (Previously Presented) The system of Claim 13, wherein the target server is further configured to store the message at the target server.

15.   (Previously Presented) The system of Claim 13, wherein the target server is further configured to reserve a modem for transmitting the message to the recipient.

16.   (Previously Presented) The system of Claim 13, wherein the target server is configured to queue the message for sending at a later time if there is no modem available for immediate sending.

17.-20 (Canceled).

21.   (Currently Amended) A method of communicating a message via a computer network, the method comprising:

receiving a message from a <u>first</u> transceiver and a first server at a second server, <u>wherein the message is communicated to a second server by the first server wherein the first server receives the message from the first transceiver with an inbound communication,</u> ~~such that a~~ <u>and wherein the second server an a</u> second transceiver ~~and the second server~~ are located within a same local-toll area of a public switched telephone network and wherein the public switched telephone network is connected to the second server and to the second transceiver;

providing internet access services with the second server to a plurality of subscribers with a plurality of modems connected to the target server, wherein

the modems receive a plurality of in-bound requests from the subscribers for access to the Internet, and wherein the modems are configured to communicate the message to recipients via the public switched telephone network;

receiving the message from the first server and storing the message at the second server;

determining whether one or more of the modems at the second server are inactive such that at least one of the modems is not in communication with one or more of the subscribers;

determining and applying a variable wait time when modems are not inactive, wherein the duration of the variable wait time is applied based at least in part on historical data and based at least in part on a number of the modems;

determining availability of the modems after the variable wait time; and

if one of the modems is available after the variable wait time, sending the message via an available one of the modems and the public switched telephone network to the second transceiver.

22.   (Previously Presented) The method of Claim 21, wherein receiving and storing includes processing the message according to a store-and-forward protocol.

23.   (Previously Presented) The method of Claim 21, further comprising reserving an available modem for sending the message.

24.   (Previously Presented) The method of Claim 21, further comprising queuing the transmission of the message, wherein queuing transmission of the message includes the variable wait time and wherein the variable wait time is further based upon at least one characteristic of the load upon the modems.

25.-31. (Canceled)